

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

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Paper No. 76

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN H. RISEMAN, deceased, JOHN J. SMITH,
ALICE M. D'ENTREMONT and CRAIG E. GOLDMAN

Junior Party,
(Application 07/645,398)¹

v.

SHIN'YA KOBAYASHI and MASAYASU ANZAI

Senior Party.
(Patent No. 4,926,248, and
Reissue Application 08/787,569)²

Patent Interference No. 103,780

¹ Filed 1/24/91. Accorded the benefit of application 07/051,154, filed 5/18/87, now Patent 4,800,442, issued 1/24/89; application 06/931,941, filed 11/19/86; application 06/765.938, filed 8/15/85. Assigned to Canon Kabushiki Kaisha.

² Patent No. 4,926,248 was filed on 8/23/88 as application 07/235,096. Reissue application 08/787,569 was filed on 1/22/97. Both involved cases are accorded the benefit of application 06/845,343, filed March 28, 1986, and Japanese priority applications 60-64966 (filed March 30, 1985) and 60-184274 (filed August 23, 1985). Assigned to Hitachi, Ltd.

Interference No. 103,780
Kobayashi v. Riseman

Before McKELVEY, Senior Administrative Patent Judge, and
SCHAFFER and LEE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

JUDGMENT

A decision on preliminary motions was issued on March 12, 1999. (Paper No. 56). The parties have been engaged in the priority testimony stage of this interference since that time.

On December 9, 1999, senior party Kobayashi filed a paper (Paper No. 75) abandoning contest as to the count of this interference and entitled "Request for Entry of Adverse Judgment." Per 37 CFR § 1.662(a), the senior party's abandonment of the contest as to the count is treated as a request for entry of adverse judgment. The request is **granted**.

Junior party's counsel has informed Program and Resource Administrator Sally Medley of the Board that according to a settlement agreement executed between the parties, the case-in-chief of the junior party is to be filed as a part of the record in this interference. It is

Interference No. 103,780
Kobayashi v. Riseman

ORDERED that if both parties desire the case-in-chief evidence of the junior party to be included as a part of the record of this interference, it shall be filed within ten (10) days of the date of this communication;

FURTHER ORDERED that judgment is herein entered against senior party Kobayashi and in favor of junior party Riseman;

FURTHER ORDERED that Shin'Ya Kobayashi and Masayasu Anzai are not entitled to claims 1, 4 and 8-12 in their involved Patent No. 4,926,248, which correspond to the count, and that they are also not entitled to claims 1, 4, 8-12, and 13-18 in their involved reissue application 08/787,569, which also correspond to the count; and

FURTHER ORDERED that on this record, John H. Riseman, deceased, John J. Smith, Alice M. D'Entremont, and Craig E. Goldman, are entitled to claims 85-90, 97, 98, and 103-117 of their involved application 07/645,398.

Fred E. McKelvey, Senior)
Administrative Patent Judge)
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Interference No. 103,780
Kobayashi v. Riseman

)	BOARD OF PATENT
)	APPEALS
Richard Schafer)	AND
Administrative Patent Judge)		INTERFERENCES
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Jameson Lee)	
Administrative Patent Judge)		

Interference No. 103,780
Kobayashi v. Riseman

By Federal Express

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